IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:22-CR-11-MOC-WCM

UNITED STATES OF AMERICA,)	
)	
v.)	ORDER
)	
KATIE JEANNE JOHNSON,)	
)	
Defendant.)	
)	

This matter is before the Court following a contact received on May 4, 2023 by the Clerk's office from a licensed clinical psychologist at FMC Carswell, where Defendant has been undergoing a competency evaluation. The psychologist stated that Defendant's evaluation period will conclude on May 5, 2023 and inquired as to whether, should Bureau of Prisons staff opine that Defendant is not competent, Defendant would need to be transported back to this district since, according to the psychologist, if Defendant were to need competency restoration services, she would subsequently be returned to FMC Carswell. It appears that the process of having Defendant transported back to this district may begin on May 5, 2023.

The undersigned concludes that the parties and the Court should be given a reasonable opportunity to address this issue.

IT IS THEREFORE ORDERED THAT:

- 1. The portion of the Court's Order filed on February 8, 2023 (Doc. 7) that directed the United States Marshal's Service to return Defendant to this district immediately upon completion of the competency examination is **TEMPORARILY SUSPENDED** and the Bureau of Prisons and the United States Marshal's Service are **RESPECTFULLY DIRECTED** to hold Defendant at her current location (FMC Carswell) until further Order of the Court.
- 2. Any motions relative to Defendant's return to this district for a competency hearing shall be filed by **Tuesday**, **May 9**, **2023**. Any request that Defendant remain at FMC Carswell for her competency hearing, including any request that Defendant appear by video teleconference at her competency hearing, should include appropriate supporting authorities.
- 3. A status conference will be scheduled for Thursday, May 11, 2023.

 The Court would also expect to take up at that time any motions relative to Defendant's return to this district, should they be submitted.

4. The Clerk is **RESPECTFULLY DIRECTED** to transmit a copy of this Order to Defendant's licensed clinical psychologist and/or the warden at FMC Carswell, as well as the United States Marshal's Service.

Signed: May 5, 2023

W. Carleton Metcalf United States Magistrate Judge